

Application No.: 10/700,174

Docket No.: 66124-0002

REMARKS

This amendment is intended to be fully responsive to the Office Action having a mailing date of June 10, 2005 wherein claims 1-13 are pending with 6-7 being rejected and the remaining claims being withdrawn from further consideration. Independent claim 6 has been amended. No new matter has been added by this amendment.

35 USC §102

Claims 6-7 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No.: 1,590,918 issued to Tindell. Applicants respectfully traverse.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131.

On page 2 of the Office Action it is asserted that shows an assembly tool having a fitting fixture. Indeed, Tindell discloses a disassembly tool, i.e., a gear puller, rather than an assembly tool as according to claim 6.

Nevertheless, Applicants have amended independent claim 6 to more clearly articulate aspects of the fitting fixture. As amended, independent claim 6 recites "[A] fitting fixture for use with a handheld assembly tool to assemble fluid transfer lines that include a fitting and a tube, comprising: a body having first and second opposing planar surfaces; a flange for supporting the fitting, said flange extending outwardly from said first planar surface of said body; a selectively adjustable retaining member for securing the fitting against the flange; and a receptacle for securing the fitting fixture to the assembly tool, said receptacle extending outwardly from said second planar surface. Applicants submit that Tindell does not disclose a fitting fixture that includes, amongst other things, a body having first and second planar surfaces wherein a receptacle extends outwardly from the second planar surface. It is asserted on page 2 of the Office Action that the tool disclosed by Tindell includes "a threaded receptacle". Tindell discloses these merely as threaded openings for receiving screws. Further, these openings do not extend outwardly from the second planar surface as according to amended claim 6.

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Also, it is asserted that the tool disclosed in Tindell is considered by the Examiner to be capable of performing the intended use recited in the claims. Applicants respectfully disagree.

Paragraphs [0003] and [0004] of Applicants' specification are reproduced below to provide a description of the intended use of the claimed fitting fixture.

[0003] Fluid transfer lines, such as those used in automotive fuel systems, are well known in the art. Fluid transfer lines commonly include a fluid transfer conduit, such as a flexible tube and semi-rigid, and an end fitting connected to the fluid transfer conduit for securing the fluid transfer line to other components within the system. Fluid transfer lines that include a flexible tube and semi-rigid tube typically connect the tube to the end fitting by sliding an end of the tube over a barbed adapter on the end fitting. The barbs on the adapter are configured to allow the tube to slide onto the end fitting, but resist separation of the tube from the end fitting, particularly when the assembled fluid transfer line is under pressure or has a disturbing force applied.

[0004] Apparatus for assembling fluid transfer lines, as described above, typically include fixed machines that assemble large volumes of fluid transfer lines and transportable devices for assembling relatively small numbers of fluid transfer lines. Manufacturers of these assembly apparatus continue to improve upon the designs of the transportable devices to facilitate the ease with which these fluid transfer lines are assembled.

Applicants submit that in view of the foregoing description of the use for fitting fixtures as embodied in the pending claims, the gear puller apparatus disclosed by Tindell could not be used for the same purpose. For at least these reasons, claim 6 is patentable. By virtue of its dependency on claim 6, claim 7 is also patentable. Accordingly, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66124-0002 from which the undersigned is authorized to draw.

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Respectfully submitted,

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